



POSTGRADUATE HARASSMENT & DISCRIMINATION PROTOCOL

PG-1.3

Approved: 2007 09 20

Responsible Office: Postgraduate Education

Responsible Officer(s): Associate Dean, Postgraduate Education

Northern Ontario School of Medicine

Preamble

This document is to be used in conjunction with the Northern Ontario School of Medicine (NOSM) policy on Discrimination and Harassment as approved by the NOSM Board of Directors. NOSM is committed to maintaining an environment in the Postgraduate programs and offices that is free of harassment or intimidation based on race, creed, colour, ethnicity, sex, sexual orientation, national origin, age, marital and family status, and disability. NOSM is committed to eradicating any conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Such behaviour is in violation of policy and will not be tolerated. The protocol defines discrimination and harassment and explains the procedures for responding to harassing behaviour by members of the hospital and university community.

Implicit in the NOSM protocol is the recognition that there are concurrent policies at each Host University and Affiliated Teaching Hospital and the institutions will consult one another to determine which institution will take responsibility for dealing with the complaint.

Relevant Documents for Reference:

Northern Ontario School of Medicine: [Discrimination and Harassment Policy](#)

Northern Ontario School of Medicine: [Discrimination and Harassment Procedure](#)

Laurentian University: [Harassment Policy and Complaint Procedures](#)

Lakehead University: [Harassment and Discrimination Policy and Procedures](#)

Each Residency Program has a responsibility to maintain an educational environment free of any form of harassment, whether by a manager, supervisor, employee, or other person (including a patient or other learners).

The protocol will be available:

- in all resident handbooks
- on NorMed Net
- presentation at orientation sessions

Principles

1. Timely identification of a concern about discrimination and harassment should be the goal of all programs.
2. Residents should be encouraged to inform their Program Director or NOSM administration of concerns.
3. The initial discussion must occur in a confidential setting.

4. There should be a process to clarify the facts concerning the allegation.
5. The process of clarification must occur in an atmosphere free of retribution.
6. Allegations should be addressed and resolved in a timely manner.

Jurisdiction:

1. *University: NOSM and or the Host Universities will normally have jurisdiction in the following situations:*

- A complaint by a resident about the behavior of a member of the teaching faculty in an academic context.
- A complaint by a resident about the behavior of another learner in an academic context.
- A complaint by a member of the teaching faculty about the behavior of a resident in an academic context.

2. *Hospital: the teaching hospital will normally have jurisdiction in the following situations:*

- A complaint by a resident about the behavior of a member of the hospital staff.
- A complaint by a hospital employee about a resident.
- A complaint by a patient or member of the public about a resident.

3. *Joint: NOSM and or the Host University and the teaching hospital will normally share jurisdiction in the following situations:*

- A complaint by a resident about the behavior of a member of the teaching faculty in the hospital context.
- A complaint by a resident about the behavior of another learner in the hospital context.
- A complaint by a member of the teaching faculty about the behavior of a resident in the hospital context.

PROCESS:

A. Deciding which policy to use:

The relevant hospital and/or NOSM and/or host University policy will be applied. When a complaint is brought forward to either NOSM or the teaching hospital, the institution that receives the complaint will immediately notify the other institution of the complaint, and the institutions will consult one another to determine which institution shall take responsibility for dealing with the complaint. NOSM and the teaching hospital may agree to share this responsibility. In any case, the institution reviewing the complaint will inform the other institution of the outcome.

B. How to discuss/report incidents or problems

1. Residents have access to confidential resources at NOSM and may contact their Program Director, the Postgraduate Education Office, Student Affairs Office or the Human Resources Unit.

2. Anyone who believes he or she has been subject to harassment is encouraged to bring this information forward.

3. Residents may bring their concerns to their Program Director, who will discuss the matter with the resident, consult with NOSM resources, and attempt to resolve the matter. Discussions will be kept confidential to the extent possible and every reasonable effort shall be made to protect the privacy of all parties. However, residents should keep in mind that reporting the situation may result in an investigation, and that this will require that the person whose conduct is complained of be informed about the complaint. It may also require that witnesses be interviewed.

4. Residents may bring their complaint forward through another NOSM office. In such a case that office will advise the Postgraduate Education Office of the matter and keep the Associate Dean, Postgraduate Education informed.

C. Notification and consultation:

When a resident brings a complaint forward to the Program Director, the Program Director will immediately notify the Postgraduate Education Office. NOSM and the hospital will discuss and decide which institution has jurisdiction to deal with the complaint.

Where the hospital takes responsibility for reviewing the complaint, the Human Resources Unit of the hospital will be contacted, as will the Program Director, the Postgraduate Office, and, where appropriate, the CPSO. The hospital CEO and the NOSM Director of Human Resources will also be notified. NOSM will cooperate with the hospital and will take appropriate steps to safeguard the interests of the trainee.

Where NOSM takes responsibility for reviewing the complaint, the Program Director and the Postgraduate Education Office will be contacted. If necessary the Human Resources Unit and the NOSM Dean will be notified.

D. Avenues for resolution:

Early Informal Resolution Process: A resident may choose to resolve a case within NOSM through the Early Informal Resolution Process, calling on the resources offered by the NOSM Human Resources Unit. Problem resolution mechanisms may include coaching, counseling and facilitation. An advisor can be selected by the complainant to provide advice where appropriate. This advisor may be a PAIRO representative.

Formal Resolution (Complaint) Process: If informal resolution is not successful or appropriate for the circumstances, a resident may file a written, formal complaint to either the Director of Human Resources or the Associate Dean, Postgraduate Education. The Director of Human Resources or the Associate Dean, Postgraduate Education will review the nature of the complaint and determine whether it is appropriate for mediation. Where the complaint is not appropriate for mediation, either the complainant or the respondent does not agree to mediation, or no resolution is reached during the mediation process, the complaint may be referred to investigation.

Mediation: A resident may choose to resolve a case within NOSM through mediation. Mediation is a voluntary process in which the complainant and the respondent meet with a neutral third party (mediator) who is trained to help them develop a solution with which both are comfortable.

Investigation: A qualified external and unbiased investigator will be appointed by the Director Human Resources or the Associate Dean, Postgraduate Education.

An investigation will involve:

- gathering all pertinent information from the complainant, respondent and relevant witnesses, considering potential witnesses identified by the complainant or respondent;
- reviewing any relevant documents or physical evidence;
- determining procedural issues regarding the conduct of the investigation;
- providing the complainant and respondent with particulars of allegations to enable a full response as required in the course of the investigation;
- assessing the evidence including consideration of conflicting evidence, direct knowledge, relationship of witnesses to the complainant or respondent, opportunity for observation, ability to recall, and other relevant factors;
- determining the allegations/issues relating to the complaint and deciding whether, on a balance of probabilities, the reported discrimination, harassment or psychological harassment occurred; and
- recommending appropriate remedies, disciplinary action(s), or other measures; and
- keeping the parties informed about the progress of the complaint.

The investigator will submit a written report to the Director of Human Resources or the Associate Dean, Postgraduate Education.

Final Resolution: If the investigator determines that discrimination or harassment has occurred, the Director of Human Resources or the Associate Dean, Postgraduate Education will take prompt and effective measures to remedy the harassment.